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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,095

02/10/2006

Robert Lee

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08/03/2009

GRAYBEAL JACKSON LLP

155 - 108TH AVENUE NE

SUITE 350

BELLEVUE, WA 98004-5973

EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

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DELIVERY MODE

08/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,095	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Daniel St.Cyr	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Receipt is acknowledged that this application is a continuation-in-part of application 09/322,670, filed May 28, 1999, now abandoned.

#### ***Claim Objections***

2. Claim 1-24 are objected to because of minor informalities. For instance claim 1, line 6, "a smart chip" should be changed to --the smart chip--. The applicant should use "the" or "said" when referring to a previously cited element of the claims. Appropriate correction is required.

#### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sendrow, US patent No. 4,317,957 in view of Lewis, US patent No. 5,875,2248.

Sendrow discloses a system for authenticating users and devices in on-line transaction network comprising: receiving at a server 14 (central terminal) information including a user device identification and a magnetic card identification read from a magnetic card reader at the user device wherein PIN number is also entered from a keyboard; the server includes a security module 13 decrypting the user identification and comparing the decrypted identification to records on a database 15; comparing (verifying) the card identification to records in the database to find a match (to verify that the data received is the same as data in the database); means for approving the user as authentic if a record matches the decrypted user device identification and

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that record is associated with a record that matches the card identification (approval process) (see figure 2; col. 6, lines 13-63); the personal identification number is also included in the message sent to the server wherein the personal identification is verified at the server (see col. 6, lines 20-23); wherein the device identification is encrypted by the user device (see col. 6, lines 25-35); the method step includes reading information from a card by a magnetic reader including processing personal information number (col. 6, lines 13-16); the user devices 10, 11, 12, form a public network coupled to the server 14 (see figure 1).

Sendrow fails to disclose or fairly suggests a smart chip for storing the user device identification.

Lewis discloses a method of counterfeit detection of electronic data store on a device comprising; a data processing system 100; a smart chip 124 having PIN information so that the smart chip can compare the pin fail count. Lewis also suggests that any input/output device may contain smart chip mounted thereon. (see col. 3, lines 14-28, figure 1).

In view of Lewis' teaching, it would have been obvious for an ordinary artisan at the time the invention was made to incorporate the well-known smart chip into the user device of Sendrow for storing the user device information. Such modification would provide greater storage capacity, which would allow more detailed information, such as the device description and functionality, about the device for providing maximum security. Therefore, it would have been an obvious extension as taught by Sendrow.

5. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sendrow as modified by Lewis as applied to claim 49 above, and further in view of Gutman, US

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patent No. 5,221,838. The teachings of Sendrow as modified by Lewis have been discussed above.

Sendrow as modified by Lewis fails to disclose or fairly suggests a portable user device which includes means for storing electronic cash download from the server.

Gutman discloses an electronic wallet, which is portable and includes means for storing electronic cash download from a server 512 (financial institution).

In view of Gutman's teaching, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Sendrow as modified by Lewis by substituting the user device of Sendrow as modified by Lewis with the well-known portable device of Gutman for providing a more secured system. Such modification would provide more secured transactions by having each user with their own personal device. Therefore, it would have been an obvious extension as thought by Sendrow as modified by Lewis.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al, US Patent No. 5,778,068, disclose a personal access management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone numbers for the

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organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2407.

DS

August 3, 2009

/Daniel St.Cyr/

Primary Examiner, Art Unit 2876